

Date May 7, 2007

HOLD HEARING FOR THE VACATION AND CONVEYANCE OF THE NORTH/SOUTH ALLEY BETWEEN 8TH STREET AND 9TH STREET, FROM CROCKER STREET TO CENTER STREET, AND A PORTION OF 9TH STREET RIGHT-OF-WAY BETWEEN CROCKER STREET AND CENTER STREET TO PRINCIPAL LIFE INSURANCE COMPANY FOR \$58,750

WHEREAS, on December 17, 2001, by Roll Call No. 01-3717, the City Council adopted a recommendation from the City Plan and Zoning Commission to vacate and convey the North/South alley between 8th Street and 9th Street, from Crocker Street to Center Street, hereinafter more fully described; and

WHEREAS, the City Plan and Zoning Commission has considered and recommended conditional approval for the vacation and conveyance of a portion of 9th Street right-of-way between Crocker Street and Center Street, hereinafter more fully described, at their meeting on April 19, 2007, and on May 7, 2007, the City Council will receive and file the Pan and Zoning Commission’s report and recommendation, prior to proceeding with the public hearing for the sale of this property; and

WHEREAS, the grantee identified below is the owner of property abutting such rights-of-way and has offered to the City of Des Moines the purchase price identified below for the vacation and purchase of such rights-of-way described below; and

WHEREAS, on April 23, 2007, by Roll Call No. 07- 750, it was duly resolved by the City Council that the proposed vacation and conveyance of such rights-of-way be set down for hearing on May 7, 2007, at 5:00 p.m., in the Council Chamber; and

WHEREAS, due notice of said proposal to vacate and convey public rights-of-way was given as provided by law, setting forth the time and place for hearing on said proposal; and

WHEREAS, in accordance with said notice, those interested in said proposed vacation and conveyance, both for and against, have been given an opportunity to be heard with respect thereto and have presented their views to the City Council.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Des Moines, Iowa:

1. Upon due consideration of the facts and statements of interested persons, the objections to said proposed vacation and conveyance of public rights-of-way, as described below, are hereby overruled and the hearing is closed.

2. There is no public need for the rights-of-way proposed to be vacated and the public would not be inconvenienced by reason of the vacation of the North/South alley between 8th Street and 9th

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Street, from Crocker Street to Center Street, and a portion of 9th Street right-of-way between Crocker Street and Center Street, more specifically described as follows:

All of the North/South alley right-of-way lying West of and adjoining Lots 28 through 36, Geo. Sneer’s Subdivision, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing 0.22 acres (9,508 S.F.).

And

A part of 9th Street right-of-way between Crocker and Center Streets in the City of Des Moines, Polk County, Iowa and described as follows:

Commencing at the Northwest corner of Lot 1 in Block “0” of Holcomb’s Addition, an Official Plat; thence South 0°(Degrees) 30’(Minutes) 56”(Seconds) West along the West line of said Block “0”, 413.60 feet; thence South 7°10’11” East, 15.00 feet to the point of beginning; thence continuing South 7°10’11” East, 37.38 feet; thence South 13°52’34” East, 133.50 feet to a point on the North right-of-way line of Center Street; thence North 89°18’26” West along the North right-of-way line of Center Street extended, 16.69 feet; thence North 42°04’53” West, 27.75 feet; thence North 5°45’43” West, 35.53 feet; thence North 0°08’11” East, 81.76 feet; thence North 3°55’45” East, 28.85 feet to the point of beginning and containing 0.06 acres (2,752 S.F.).

DESCRIPTION REVIEWED
[Signature]
5/15/07 15:37

3. That the sale and conveyance of such rights-of-way, as described below, to Principal Life Insurance Company for \$58,750, together with payment by such grantee of the estimated publication and recording costs for this transaction, be and is hereby approved:

All of the vacated North/South alley right-of-way lying West of and adjoining Lots 28 through 36, Geo. Sneer’s Subdivision, an Official Plat, all now included in and forming a part of the City of Des Moines, Polk County, Iowa and containing 0.22 acres (9,508 S.F.).

And

A part of vacated 9th Street right-of-way between Crocker and Center Streets in the City of Des Moines, Polk County, Iowa and described as follows:

Commencing at the Northwest corner of Lot 1 in Block “0” of Holcomb’s Addition, an Official Plat; thence South 0°(Degrees) 30’(Minutes) 56”(Seconds) West along the West line of said Block “0”, 413.60 feet; thence South 7°10’11”

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East, 15.00 feet to the point of beginning; thence continuing South 7°10'11" East, 37.38 feet; thence South 13°52'34" East, 133.50 feet to a point on the North right-of-way line of Center Street; thence North 89°18'26" West along the North right-of-way line of Center Street extended, 16.69 feet; thence North 42°04'53" West, 27.75 feet; thence North 5°45'43" West, 35.53 feet; thence North 0°08'11" East, 81.76 feet; thence North 3°55'45" East, 28.85 feet to the point of beginning and containing 0.06 acres (2,752 S.F.).

4. The Mayor is authorized and directed to sign the Offer to Purchase and the Quit Claim Deed for the conveyances identified above, and the City Clerk is authorized and directed to attest to the Mayor's signature.

5. Upon final passage of an ordinance vacating the said rights-of-way and upon proof of payment of the consideration plus \$113 for publication and recording costs, the City Clerk is authorized and directed to forward the original of the said Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Real Estate Division of the Engineering Department for the purpose of causing said documents to be recorded.

6. The Real Estate Division Manager is authorized and directed to forward the original of the Deed, together with a certified copy of this resolution and of the affidavit of publication of the notice of this hearing, to the Polk County Recorder's Office for the purpose of causing these documents to be recorded.

7. Upon receipt of the recorded documents back from the Polk County Recorder, the Real Estate Division Manager shall mail the original of the Quit Claim Deed and copies of the other documents to the grantee.

8. The proceeds from the sale of this property will be deposited into the following account: 2007-08 Operating Budget, Page 255, Property Maintenance, SP767.

★ Roll Call Number

Agenda Item Number

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Dispositions – Principal Life Insurance Company: Page 4

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(Council Communication No. 07-267)

Moved by _____ to adopt.

APPROVED AS TO FORM:

Ann DiDonato
Ann DiDonato
Assistant City Attorney

RSW

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
COWNIE				
COLEMAN				
HENSLEY				
KIERNAN				
MAHAFFEY				
MEYER				
VLASSIS				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, DIANE RAUH, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk